

each repacked batch and of each batch of another drug manufactured from such drug.

§ 431.17 Request to provide for certification of an antibiotic drug.

A request under section 507 of the Federal Food, Drug, and Cosmetic Act to provide for certification of an antibiotic drug is required to comply with the procedures and meet the requirements applicable to the submission to the Food and Drug Administration and review by the agency of applications and abbreviated applications, and amendments and supplements to them, under part 314 of this chapter.

[50 FR 7516, Feb. 22, 1985]

§ 431.20 Disposition of outdated drugs.

When certification becomes invalid because the expiration date is passed, such articles should not be disposed of for drug use either through commercial or charitable channels unless the articles have been assayed to establish potency and recertified.

Subpart B—Administrative Procedures

§ 431.50 Forms for certification or exemption of antibiotic drugs.

The following forms which must be supplied in connection with certain certification or exemption procedures for antibiotic drugs may be obtained from the Product Surveillance Branch (HFD-333), Food and Drug Administration, Department of Health and Human Services, 5600 Fishers Lane, Rockville, MD 20857.

Form

- 1 Application for exemption for storage.
- 2 Application for exemption for processing.
- 3 Application for exemption for labeling.
- 4 Application for exemption for manufacturing use.
- 7 Request for check tests and assays or certification of a batch of _____ (the blank to be filled in with the name of the antibiotic drug).
- 8 Application for exemption for repacking.
- 9 Request for supplemental certification of a batch of an antibiotic drug.

[39 FR 18934, May 30, 1974, as amended at 40 FR 28052, July 3, 1975; 41 FR 10886, Mar. 15, 1976; 50 FR 7516, Feb. 22, 1985; 50 FR 8997, Mar. 6, 1985; 55 FR 11582, Mar. 29, 1990]

§ 431.51 Suspension of certification service.

When the Commissioner finds that a person has:

(a) Obtained or attempted to obtain a certificate through fraud or through misrepresentation or concealment of a material fact; or

(b) Falsified the records required to be kept by § 431.61; or

(c) Failed to keep such records or to make them available, or to accord full opportunity to take an inventory of stocks on hand, or otherwise to check the correctness of such records as required by § 431.61; or

(d) Failed to establish a system for maintaining the records required by § 314.81 of this chapter or has repeatedly or deliberately failed to maintain such records or to make required reports in accordance with the provisions of that section, or has refused to permit access to, or copying, or verification of such records or reports; or

(e) Failed to conform to the requirements of good manufacturing practice prescribed by parts 210, 211, 225, 226 and 229 of this chapter;

the Commissioner will immediately suspend service to such person under the regulations in this chapter. Upon request a hearing will be granted to such person to show cause why such service should be resumed.

[39 FR 18934, May 30, 1974, as amended at 40 FR 13497, Mar. 27, 1975; 55 FR 11582, Mar. 29, 1990]

§ 431.52 Hearings.

Any person who contests the suspension of certification service under § 431.51 shall have an opportunity for a regulatory hearing before the Food and Drug Administration pursuant to part 16 of this chapter.

[41 FR 48267, Nov. 2, 1976, as amended at 42 FR 15675, Mar. 22, 1977]

§ 431.53 Fees.

(a) Fees for the services rendered under the regulations in this chapter shall be such as are necessary to provide, equip, and maintain an adequate certification service.